

REMARKS/ARGUMENTS

The present amendment is submitted in an earnest effort to advance this case to issue without delay.

1. The Examiner's comments regarding Request for Continued Examination have been noted. Each of the independent claims in the case has been amended as discussed in connection with them. All of the claims are now deemed to be allowable for the reasons stated.

2. Claim 1 has been amended to recite the configuration shown in FIG. 1 which has three electrodes 9, 10, 11 on the elastomeric forehead support element 6, namely, at the ends and the center (see page 11, line 21). The noncircular tubular member 5 carries the forehead support element and allows adaptation to the face of the wearer. The KWOK et al reference newly cited has a mask with a forehead support element on a tubular structure and which is not provided with electrodes.

KARAKASOGLU et al has a headband which can be provided with electrodes but has not equivalent to the ends of a forehead support element for central regions. MILES is not in point here. Since the secondary or tertiary reference does not teach an electrode configuration which would be applicable to KWOK et al, the specific structure now recited in claim 1 cannot be considered to be obvious. It is that structure which facilitates the combined respiratory and brain potential analysis that is key to the

invention. Claim 1 is therefore allowable together with claims 4, 8, 10 and 11 which depend therefrom.

3. Claim 12 has been amended analogously to claim 1. It likewise is not suggested by the references cited in paragraph 3 on pages 2 and 3 of the Office Action and is allowable together with claims 14-16 which continues to depend therefrom.

4. Claims 12, 15, 17 and 19 have been rejected as obvious from WIESMANN et al in view of LEVIN. With the structural limitations now introduced into the claims and the limitation of claim 17 to include the structure of claim 18 and the limitation of claim 19 to include the structure of claim 20, these references are not applicable either.

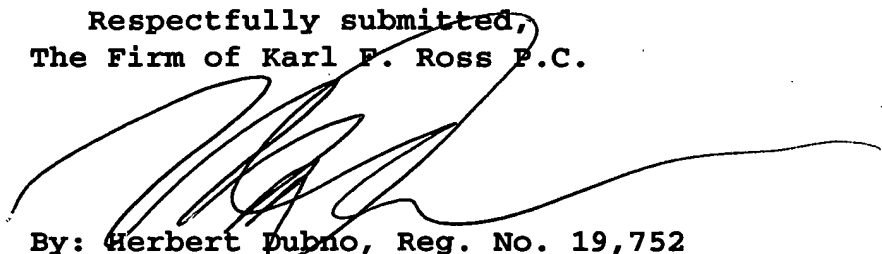
5. Claim 8 has been rejected on an additional combination of references but note that IMRAN does not suggest the features shown to be unobvious from the parent claim of claim 8 either and thus the argument previously made for allowability of claim 1 is applied to claim 8 also.

Applicants request reconsideration of the rejections applied to claims 18 and 20 to the extent that the Examiner believes they might continue to apply to claims 17 and 19 in view of the amendments made to these claims.

Applicants believe that with the limitations now introduced into the claims, the art applied by the Examiner can no

longer be considered to suggest the claims and hence favorable reconsideration is urged.

Respectfully submitted,
The Firm of Karl F. Ross P.C.

A large, stylized handwritten signature in black ink, likely belonging to Herbert Dubno, is written over the typed name.

By: Herbert Dubno, Reg. No. 19,752
Attorney for Applicants

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5676 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: (718) 884-6600
Fax: (718) 601-1099